

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LORI ANN STURGILL,

Plaintiff,

Civil Case No. 17-cv-12218

v.

Honorable Linda V. Parker

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

**OPINION AND ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S  
AUGUST 7, 2018 REPORT AND RECOMMENDATION (ECF No. 16); (2)  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT (ECF  
No. 12); AND (3) GRANTING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT (ECF No. 15)**

On July 6, 2017, Plaintiff Lori Ann Sturgill filed this lawsuit challenging Defendant's final decision denying her application for disability and disability insurance benefits and supplemental security income under the Social Security Act. On July 7, 2017, the matter was referred to Magistrate Judge Mona K. Majzoub for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation ("R&R") on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 3.) The parties subsequently filed cross-motions for summary judgment. (ECF Nos. 12 & 15.)

On August 7, 2018, Magistrate Judge Majzoub issued her R&R. (ECF No. 16.) Magistrate Judge Majzoub first concluded that the ALJ properly rejected Plaintiff's treating physician's opinion because it was inconsistent with the objective medical evidence. (ECF No. 16 at Pg ID 593.) Next, Magistrate Judge Majzoub concluded that the ALJ needed not conduct an "exhaustive factor-by-factor analysis" to satisfy the treating source rule when discounting Plaintiff's treating physician's opinion. (*Id.* at Pg ID 595.) The magistrate judge then concluded that the ALJ accounted for Plaintiff's diagnoses of lupus and fibromyalgia. (*Id.* at Pg ID 595-96) Finding substantial evidence in the record to support the ALJ's decision, Magistrate Judge Majzoub recommended that this Court deny Plaintiff's motion, grant Defendant's motion, and affirm Defendant's decision finding Plaintiff not disabled under the Social Security Act. (*Id.* at Pg ID 596.)

At the end of her R&R, Magistrate Judge Majzoub advised the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 12.) She further specifically advised the parties that "[f]ailure to file specific objections constitutes a waiver of any further right to appeal." (*Id.* at 12.) Neither party filed objections to the R&R.

This Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Majzoub. The Court, therefore, adopts

the magistrate judge's August 7, 2018 Report and Recommendation and is affirming Defendant's decision denying Plaintiff social security benefits.

Accordingly,

**IT IS ORDERED**, that Plaintiff's motion for summary judgment (ECF No. 12) is **DENIED**;

**IT IS FURTHER ORDERED**, that Defendant's motion for summary judgment (ECF No. 15) is **GRANTED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: August 27, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, August 27, 2018, by electronic and/or U.S. First Class mail.

s/ R. Lory  
Case Manager